UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:
GUILLERMO TAVERA
CHRISTI J. TAVERA
DEBTORS

CASE NO. 15-50358-cag

CHAPTER 13

AMENDED MOTION FOR AUTHORIZATION TO SELL REAL PROPERTY FREE AND CLEAR OF LIENS AND FIRST REQUEST FOR ATTORNEY COMPENSATION

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Now comes, Guillermo and Christi Tavera, Debtors herein, by and through their attorney of record, Chance M. McGhee, files this Motion for Authorization to Sell Real Property Free and Clear of Liens and in support thereof represents to the Court:

1. Debtors filed their Voluntary Petition for Relief under 11 U.S.C. Chapter 13 on February 4, 2015. This Court has jurisdiction of this proceeding pursuant to Title 28 of the United States Code.

2. Among the assets which constitute property of the Debtors' estate is residential property on real property located at 14811 Bypass Pt, San Antonio, TX 78247. Its legal description is listed as follows:

> **BEING Legacy Oaks Ut 1 NCB 13732 BLK 10 LOT 4 (LEGACY OAKS SUBD UT-1) found in the Bexar county Deed records vol. 9556 page 86.**

hereinafter referred to as "the property". The property has a fair market value estimated at $169,000.00.

3. Debtors proposes to sell such property to Robert M. Wertz for the sum of $169,000.00 pursuant to the Real Estate Sales Contract attached hereto as Exhibit "A" and incorporated herein by reference as if fully set forth at length.

4. Debtors' counsel has requested attorney compensation in the amount of $918.75 for his work involved in drafting this motion and would respectfully request that he be paid as an administrative priority expense through the Debtors' Chapter 13 Plan.

a.) February 27: 2017: Email and phone call with Debtor re sales contract on home. Discuss procedure for sale. Get contact information of real estate agent. – LG- .75 – No Charge b.) February 28: 2017: Review sales contract for Debtor's home. Reviewed file, placed phone call and emailed Debtor. CMCG-.50 = $87.50

c.) March 1, 2017: Email from real estate agent with copy of prelim closing disclosure. Follow up phone call to discuss procedure with agent. Follow up phone call with debtor re same. CMCG- .50= $87.50

d.) March 6, 2017: Email from Debtor re credit reporting issue with mortgage company. Reply emailed response. LG - .10 -No Charge

e.) March 20, 2017: Email to real estate agent re closing. Request updated closing disclosure. LG - .10 -No Charge

f.) March 22, 2017: Email from title company re closing disclosure. Follow up email re same. LG - .10-No Charge

g.) March 22, 2017: Review closing disclosure and review Debtor's file. Draft Motion to Sell, Motion for Expedited Hearing. CMCG- 1.5 HOUR = $262.50

h.) March 23, 2017: File pleadings. Email Ct for hearing date. CMCG- .50= $87.50

i.) March 24, 2017: Email to Jessica re expedited hearing conference and agreement. CMCG- .50= $87.50

j.) March 24, 2017: Email from Trustee requesting HUD 1 documents. Email to agent re same. LG - .25-No Charge

k.) March 24, 2017: Email from Bexar County Tax re language to add to Order re ad valorem taxes and unpaid 2015 prop taxes. LG - .25-No Charge

l.) March 24, 2017: Email from title company re updates on settlement statements. Response on closing re same. LG - .25-No Charge

m.) March 24, 2017: Review 3/24 emails from Trustee, atty for Bexar Co, and Title Company. Review file and direct responses to be returned to all involved parties. CMCG- .75 = $131.25

n.) March 25, 2017: Research of Bexar County Deed records for HUD deed and modification. Email both documents to Trustee. CMCG- .50= $87.50

o.) March 27, 2017: Phone call with Title Company re HUD and possible closing on 31st. Email POC for HUD and property taxes to assist with updated closing settlement. Email updated closing settlement statement to Trustee with daily interest amount and request update on Exp Motion. CMCG- .50= $87.50 and LG - .25-No Charge

p.) March 27, 2017: Email response from Trustee re audit and review on Motion to Sell. Review of file shows plan not paid and Motion needs revision. LG - .25-No Charge

q.) March 27, 2017: Email from Clt re pay off on plan and concerns on daily interest rate. Review file and dictate response email. CMCG- .50= $87.50

r.) March 28, 2017: Prepared atty email response and emailed response to Clt. LG - .25-No Charge

s.) March 28, 2017: Email from Trustee re agreement for exp. Hearing. Amended Motion to Sell to add required language on payment of plan and ad valorem taxes. Amended Motion to Exp hearing. Emailed same to Trustee for approval. Schedule hearing upon approval. CMCG-1 hour = $175.00

Total billable time for Chance McGhee, Attorney – 6.75 hours at $175.00 =$1,181.25
Total time for Paralegal – 2.75 hours – No Charge

5.25 Total billable attorney hours to be billed to Client at $175.00 per hour =$918.75

5. Debtors would show that the distribution of the sales proceeds of his Real Property should be made in the following order:

a) Pay the outstanding balance of the Loan #5110002275261 to Green Tree Servicing, LLC and/or its assigns/ assignees
b) Pay the outstanding balance of the Loan to US Department HUD
c) Pay the costs of the sale (i.e. title company fees, etc.);
d) Pay the full balance of all past due and pro-rated ad valorem taxes on the real property and any other expenses pursuant to the contract in Exhibit "A"
e) Pay attorney compensation in the amount of $918.75 to Debtors' counsel as an administrative priority expense through the Debtors' Chapter 13 Plan.
f) Pay remaining net proceeds to the Chapter 13 Trustee to pay any remaining amounts in Debtors' Chapter 13 Plan. Debtors will continue to their Chapter 13 plan payment as the sales proceeds of the property are not sufficient to completely payoff the Debtors' confirmed plan. Debtors are to provide the Chapter 13 trustee with a copy of the closing statement.

WHEREFORE, Debtors prays for an order permitting a sale of Debtors' real property pursuant to Exhibit "A" and that the proceeds of said sale be paid and distributed in the following order:

a) Pay the outstanding balance of the Loan #5110002275261 to Green Tree Servicing, LLC and/or its assigns/ assignees
b) Pay the outstanding balance of the Loan to US Department HUD
c) Pay the costs of the sale (i.e. title company fees, etc.);
d) Pay the full balance of all past due and pro-rated ad valorem taxes on the real property and any other expenses pursuant to the contract in Exhibit "A"
e) Pay attorney compensation in the amount of $918.75 to Debtors' counsel as an administrative priority expense through the Debtors' Chapter 13 Plan.
f) Pay remaining net proceeds to the Chapter 13 Trustee to pay any remaining amounts in Debtors' Chapter 13 Plan. Debtors will continue to their Chapter 13 plan payment as the sales proceeds of the

property are not sufficient to completely payoff the debtors' confirmed plan. Debtors are to provide the Chapter 13 trustee with a copy of the closing statement.

and for such other further relief as Debtors may justly be entitled to.

Respectfully submitted,

Chance M. McGhee
8207 Callaghan Rd., Suite 250
San Antonio, Texas 78230
210-342-3400
210-366-4791 FAX

By: ______________________
Chance M. McGhee
SBN: 00791226

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above Debtor's Amended Motion For Authorization To Sell Real Property Free and Clear of Liens has been forwarded to the U.S. Trustee, 615 E. Houston Street, San Antonio, Texas, 78205; to the Chapter 13 Trustee, Mary K. Viegelahn, 10500 Heritage Blvd, Suite 201, San Antonio, Texas 78216; the Debtors at 14811 Bypass Pt, San Antonio, TX 78247 and to all of the interested parties on the attached mailing matrix this 28th day of March, 2017.

BY: ______________________________
Chance M. McGhee

Acs/homebanc
501 Bleecker St
Utica, NY 13501

Albert Uresti, MPA
Bexar Co. Assessor/Collector
P.O. Box 839950
San Antonio, TX 78283-3950

Amca
2269 S Saw Mill
Elmsford, NY 10523

Bowman Clancy Ortegon Design LL
722 Barchester Dr.
San Antonio TX 78216

Business & Professional Service
621 N. Alamo St.
Attn: Bankruptcy
San Antonio, TX 78215

Chance M. McGhee, Attorney at L
8207 Callaghan Rd. #250
San Antonio TX 78230

Cmre Financial Services Inc
3075 E Imperial Hwy Ste 200
Brea, CA 92821

Credit Collections Svc
PO Box 773
Needham, MA 02494

Credit One Bank
PO Box 98873
Las Vegas, NV 89193

Datasearch
PO Box 461289
San Antonio, TX 78246

Fast Business Funding, LLC
2001 NW 107 Ave, 3rd Floor
Miami FL 33172

Firstmark Credit Union
Attn: Emma
PO Box 701650
San Antonio, TX 78270

Fst Fin Inv
3091 Governors Lake Driv
Norcross, GA 30071

Green Tree Servicing L
332 Minnesota St Ste 610
Saint Paul, MN 55101

Internal Revenue Service
P.O. Box 7346
Philadelphia PA 19101-7346

Kearnes, Brinen & Monaghan
20E Division St., Ste 2
Dover, DE, 19901

Law Offices of Jordan Cohen, PC
520 8th Ave, Ste 900
New York, NY 10018

Linebarger Goggan Blair
& Sampson LLP
711 Navarro, Suite 300
San Antonio TX 78205

Northern Hills Storage Manageme
4011 Stahl Road
San Antonio, TX 78217

Orchard Street Funding, LLC
Care of:
Law Offices of Jordan Cohen, PC
520 8th Ave, Ste 900
New York, NY 10018

Sprint
P.O. Box 54977
Los Angeles CA 90054

Texas Workforce Commission
Benefit Payment Control
Room 200 Travis Building
Austin, TX 78778

TitleMax of Texas, Inc. dba Tit
6898 Bandera Road
Leon Valley Texas 78238

United States Attorney
Taxpayer Division
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216-5512

United States Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington DC 20530

UNITED STATES BANKRUPTCY COURT
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IN RE:	
GUILLERMO TAVERA	CASE NO. 15-50358-cag
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ORDER GRANTING DEBTORS' AMENDED MOTION FOR AUTHORIZATION TO SELL REAL PROPERTY FREE AND CLEAR OF LIENS AND FIRST REQUEST FOR ATTORNEY COMPENSATION

The motion of Guillermo and Christi Tavera , Debtors herein, for authority to sell their residential property located at 14811 Bypass Pt, San Antonio, TX 78247 and having been filed herein, notice having been given to all creditors, and no objection being filed, the court finds that no creditor will be adversely affected by said motion; therefore,

IT IS ORDERED that Debtors are authorized to sell the property described as:

BEING Legacy Oaks Ut 1 NCB 13732 BLK 10 LOT 4 (LEGACY OAKS SUBD UT-1) found in the Bexar county Deed records vol. 9556 page 86.

upon the terms and conditions of Exhibit "A" attached to said motion.

IT IS ORDERED that all liens against the property shall attach to the sales proceeds, whereby the proceeds shall be distributed as follows:

a) Pay the outstanding balance of the Loan #5110002275261 to Green Tree Servicing, LLC and/or its assigns/ assignees
b) Pay the outstanding balance of the Loan to US Department HUD
c) Pay the costs of the sale (i.e. title company fees, etc.);
d) Pay the full balance of all past due and pro-rated ad valorem taxes on the real property and any other expenses pursuant to the contract in Exhibit "A"
e) Pay attorney compensation in the amount of $918.75 to Debtors' counsel as an administrative priority expense through the Debtors' Chapter 13 Plan.
f) Pay remaining net proceeds to the Chapter 13 Trustee to pay any remaining amounts in Debtors' Chapter 13 Plan. Debtors will continue to their Chapter 13 plan payment as the sales proceeds of the property are not sufficient to completely payoff the Debtors' confirmed plan. Debtors are to provide the Chapter 13 trustee with a copy of the closing statement.

IT IS FURTHER ORDERED that the ad valorem taxes for year 2017 pertaining to the subject property shall be prorated in accordance with the Earnest Money Contract and shall become the responsibility of the Purchaser and the 2017 ad valorem tax lien shall be retained against the subject property until said taxes are paid in full.

IT IS FURTHER ORDERED that Debtors are authorized to execute any and all documents in order to complete the sale of said property.

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Submitted by:

By: ______________________________

Chance M. McGhee
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San Antonio, Texas 78230
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